

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-24529 - APPLICANT: VICTOR PERILLO - OWNER: 750 FREEMONT, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Tavern-Limited Establishment use.
2. Conformance to the conditions for Site Development Plan Review (SDR-24527), if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Tavern-Limited Establishment at 760 Fremont Avenue. The proposed Tavern-Limited Establishment is the type of use encouraged in the Downtown Entertainment Overlay District. A companion Site Development Plan Review (SDR-24527) for a 43,000 square foot tavern, with night club and banquet facility will be heard with this item. The proposed development is compatible with adjacent development and will assist in achieving the intent of the Entertainment District. Staff is recommending approval of both of these requests.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/17/06	The City Council approved a Site Development Plan Review (SDR-12093) for a proposed 20-story mixed use development containing 76 residential units and 6,370 square feet of commercial area and a 55-story mixed use development containing 157 residential units, 372 hotel/residential units and 55,000 square feet of commercial area and Waivers of the Downtown Centennial Plan setback and streetscape requirements on 0.85 acre at 760 and 800 Fremont Street.
10/25/07	<a href="#">The Planning Commission recommended approval of companion item SDR-24527 concurrently with this application.</a>  <a href="#">The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #53/jm).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
08/30/07	A pre-application meeting was held with the applicant. The applicant proposed to demolish the existing building and build a 43,000 square foot Tavern, Night Club and Banquet Facility. The applicant was informed that the property was in the Downtown Entertainment District and was exempt from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The applicant was informed that this proposal would require a site development plan review and a special use permit. The submittal requirements were then discussed.

<b>Field Check</b>	
09/21/07	A field check was made on site. A building that the applicant prepares to demolish sits on the site. The area is surrounded by vacant buildings, hotels and motels.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Retail, Cash Loan	C (Commercial)	C-2 (General Commercial)
East	Used Car Lot	C (Commercial)	C-2 (General Commercial)
West	Motel	C (Commercial)	C-2 (General Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Y
Downtown Entertainment Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:*

<b><i>Parking Requirement - Downtown</i></b>							
<b><i>Use</i></b>	<b><i>Gross Floor Area or Number of Units</i></b>	<b><i>Base Parking Requirement</i></b>		<b><i>Provided</i></b>		<b><i>Compliance</i></b>	
		<b><i>Parking Ratio</i></b>	<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern – Limited Establishment	43,000 SF	1:50 SF public seating, 1:200 SF of remaining SF, min 10 required.	346	8	8	2	Y
<b>TOTAL</b>			346	8	8	2	Y

*Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.*

## ANALYSIS

- Zoning**

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial).

The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan.

In addition to this Special Use Permit application, the applicant has requested a Site Development Plan Review (SDR-24527) for a 43,000 square foot tavern, with night club and banquet facility on 0.64 acres at 760 Fremont Street.

- **Entertainment Overlay District**

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Entertainment Overlay District. The creation of the District is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Signage and any façade improvements are subject to the requirements of the Entertainment District Overlay, which are subject to review and approval by the Downtown Entertainment Overlay District Design Review Committee.

- **Use**

The applicant is proposing a 43,000 square-foot Tavern-Limited Establishment with a Banquet Facility and Night Club. The Banquet Facility and Night Club are permitted uses in C-2 (General Commercial) district. Tavern-Limited Establishment's are permitted upon approval of a Special Use Permit.

A Tavern-Limited Establishment, as defined by Title 19.20, is an establishment that is licensed with a tavern-limited business license in accordance with Title 6.50. This type of license:

- (1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
- (2) May only be issued for premises located in the Downtown Entertainment Overlay District.
- (3) Is not transferable, except to a location within the same entertainment district and to an operator who has been approved by the City Council.

The existing building will be demolished and replaced with a new two-story, 43,000 Tavern-Limited Establishment, Night Club and Banquet Facility. The new building will be built to the property lines and the parking shall be accessed from the alley way to the west and 8<sup>th</sup> Street to the east. The first floor is populated with two stages, a lounge bar and a main eating hall at the center. On the second floor are three banquet halls with bars flanking each banquet table.

- **Conditions**

There are no base conditions for approval of a Tavern-Limited Establishment. The establishment need only comply with the regulations for a tavern-limited license and those provisions governing the Downtown Entertainment Overlay District.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Tavern-Limited Establishment is the type of use encouraged in the Downtown Entertainment Overlay District. It is surrounded by other parcels zoned for similar uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed tavern will depend on off-site parking to support the use; on street parking and nearby parking garages will be more than adequate to support the expected demand.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided at the rear of the site by an alley to the west and 8<sup>th</sup> Street to the east. Much of the expected traffic for this use will be by pedestrians. Loading zones have been proposed at the rear of the site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Tavern-Limited Establishment will be subject to inspections for compliance with business licensing requirements and will not compromise the public health, safety and welfare. The proposed use is consistent with the redevelopment objectives of the Downtown Centennial Plan, Las Vegas Redevelopment Area, and the Downtown Entertainment Overlay District.

5. **The use meets all of the applicable conditions per Title 19.04.**

There are no base conditions for approval of a Tavern-Limited Establishment.

**PLANNING COMMISSION ACTION**

There was one speaker in favor at the Planning Commission meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 255 by City Clerk

**APPROVALS** 5

**PROTESTS** 0